

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ANN MARTIN,
Plaintiff,

Case No: 22-cv-11819
HON.
MAG. JUDGE

v

WALMART, INC. a foreign corporation,
d/b/a WALMART STORES, INC., and
SAM'S EAST, INC., a foreign corporation,
d/b/a SAM'S CLUB,

Defendants.

BETH A. WILCOXON (P39906)
DENNIS A. ROSS (P19669)
ROSS LAW
Attorneys for Plaintiff
29200 Northwestern Hyw., Ste. 260
Southfield, MI 48034
(248) 352-1200 fax: 5607
beth@therosslaw.com
danielle@therosslaw.com
cheryl@therosslaw.com

D'ANTAE D. GOODEN (P83045)
AUDREY J. FORBUSH (P41744)
PLUNKETT COONEY
Attorneys for Defendants
38505 Woodward Ave., Ste. 100
Bloomfield Hills, MI 48304
(248) 594-5714 fax: 901-4040
dgooden@plunkettcooney.com
jbehrik@plunkettcooney.com

**NOTICE OF REMOVAL OF CAUSE TO THE
UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

Defendant, SAM'S EAST, INC, an Arkansas Corporation (misidentified
as WALMART INC d/b/a Walmart Stores, Inc.), under 28 U.S.C. §§ 1332,

1441, and 1446, hereby notify this Honorable Court of the removal of this action:

1. On or about July 7, 2022, Ann Martin (Plaintiff) filed a lawsuit which is now pending in the Circuit Court for the County of Macomb, State of Michigan, bearing Case No.: 2022-002534-NO. **(Exhibit A)**

2. SAM'S EAST, INC. d/b/a Sam's Club (Defendant) was served with the Summons and Complaint via Certified Mail on or about July 14, 2022.

3. This action is a suit at common law of a civil nature, as alleged in Plaintiff's Complaint, brought by Plaintiff, Ann Martin, against Defendant for negligence in which Plaintiff seeks monetary damages.

4. This action involves a controversy which is wholly between citizens of different states. Plaintiff is a resident of the City of Detroit, County of Macomb, State of Michigan. Defendant, Sam's East, Inc is a corporation duly created and organized by and under the laws of the State of Arkansas, with its corporate headquarters in Arkansas.

5. Defendant is not a corporation created or organized under the laws of the State of Michigan, is not domiciled in Michigan, and does not have its principal place of business in the State of Michigan.

6. The action filed by Plaintiff against Defendant is one involving complete diversity of citizenship under 28 U.S.C. § 1332 as a civil action between citizens of the State of Michigan and the State of Arkansas.

7. This action is one over which the District Courts of the United States are given original jurisdiction.

8. The time in which Defendant is required to file this Notice of Removal to Federal Court has not yet expired.

9. Pursuant to Plaintiff's Complaint, Plaintiff seeks to recover damages more than \$25,000.00 together with costs, interest, and attorney fees in this matter. Plaintiff further alleges Plaintiff sustained serious bodily injuries, which were allegedly painful, disabling and necessitated extensive medical care. Defendant asserts that, more likely than not, the amount in controversy exceeds the jurisdictional requirements of 28 U.S.C. § 1332(a) if Plaintiff prevails on her claims, which include injuries that Plaintiff claims to have caused her to incur future, extensive medical, surgical, hospital and doctor bills. Plaintiff also claims that she will be unable to participate in the usual activities of life indulged in prior to said incident.

10. Under 28 U.S.C. § 1441 *et seq.*, Defendant is entitled to remove this action to the United States District Court for the Eastern District of

Michigan, since the district court would have had original jurisdiction over Plaintiff's claims. Attached to this Notice of Removal is a copy of the Complaint setting forth Plaintiff's claims for relief. A written Notice of the Filing of this Removal has been given to all parties as required by law and is attached hereto. **(Exhibit B)**

11. A true and correct copy of this Notice of Filing Removal and Notice of Removal has been filed with the Clerk of the Court of the County of Wayne, State of Michigan, as provided by law.

12. Based upon the foregoing, Defendant is entitled to removal of this action to the United States District Court for the Eastern District of Michigan, under 28 U.S.C. § 1441, et seq.

WHEREFORE Defendant respectfully request that they be allowed to effect removal of this action.

PLUNKETT COONEY

/s/ D'Antae D. Gooden
D'Antae D. Gooden (P83045)
Attorneys for Defendants
38505 Woodward Ave., Ste. 100
Bloomfield Hills, MI 48304

Dated: August 5, 2022

PROOF OF SERVICE

JANET BEHRIK CERTIFIES THAT ON THE 5TH DAY OF AUGUST, 2022, SHE CAUSED TO BE SERVED A COPY OF NOTICE OF REMOVAL OF CAUSE TO THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION AND PROOF OF SERVICE VIA CM/ECF ELECTRONIC FILING WITH THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION, AND VIA E-FILE AND/OR U.S. MAIL, UPON:

BETH A. WILCOXON (P39906)
DENNIS A. ROSS (P19669)
ROSS LAW
29200 Northwestern Hyw., Ste. 260
Southfield, MI 48034

/s/ Janet Behrik

JANET BEHRIK

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